

LOWER PAXTON TOWNSHIP
PLANNING COMMISSION

September 12, 2007

COMMISSIONERS PRESENT

Fredrick Lighty
Dennis Guise
Richard Beverly
William Neff
Roy Newsome
Betsy Sibert
Ernest Gingrich

ALSO PRESENT

Lori Wissler, Planning & Zoning Officer
Dianne Moran, Planning & Zoning Officer
Chip Millard, Dauphin County Planning Commission

Call to Order

Mr. Lighty called the regular meeting of the Lower Paxton Township Planning Commission to order at 7:00 pm, on September 12, 2007 in Room 171 of the Lower Paxton Township Municipal Center, 425 Prince Street, Harrisburg, Pennsylvania.

Moment of Reflection

Mr. Lighty stated that Carol Pramik was very recently killed in a tragic motorcycle accident. Ms. Pramik was a former chairperson of the Lower Paxton Township Planning Commission. All in attendance observed a moment of silence in memory of Ms. Pramik.

Pledge of Allegiance to the Flag

Mr. Lighty led the recitation of the Pledge.

Approval of Minutes

Mr. Beverly made a motion to approve the minutes of the June 13, 2007 special meeting and August 8, 2007 regular meeting. Mr. Newsome seconded the motion, and the minutes were unanimously approved.

NEW BUSINESS

Rezoning Request
4 Carolyn Street
Ordinance 07-12

Ms. Moran stated that the Township has initiated a proposed amendment to the Township's Zoning Map for a property located at 4 Carolyn Street (Parcel No. 35-030-158) from R-1, Low Density Residential District, to CG, Commercial General District.

During the adoption of the 1992 Comprehensive Plan, the Board of Supervisors indicated that the commercial property boundary line should be shifted to conform with the western property line of 4 Carolyn Street. On September 9, 1996, the Lower Paxton Township Board of Supervisors adopted Ordinance 96-08 amending the zoning of the property at 4 Carolyn Street.

Mr. Lighty stated that the parcel was erroneously included in the overall rezoning last year and this action is a corrective amendment to get it back to the zoning designation as it was intended. Ms. Moran agreed, noting it has been commercial in the past, and should have remained as such.

Mr. & Mrs. Strohm were present on behalf of the rezoning.

Mr. Neff asked the status of the adjacent lot. Ms. Moran stated that there are no other corrections to be made. The lot in question has sole access from the Danny's Tire property, and though they are two separate parcels, they are used as one.

Mr. Millard, Dauphin County Planning Commission, stated that it is the County's understanding that the Township mistakenly changed the zoning of this property from commercial to residential during its 2006 Zoning Ordinance update, and the intent was for the lot to be CG. There is CG zoning to the southeast, and the land is close to the Route 22 Corridor. County Staff supports the request, however, Mr. Millard noted that the County Planning Commission has not had an official review of this request. That will occur at the October 1st meeting. The comments will most likely be similar.

Mr. Lighty called for comments from the audience.

Ms. Lindel Sowers, 6 Carolyn Street, stated she was never made aware that her home was adjacent to a commercial property. She felt that 4 Carolyn Street looks like a residential property and she was concerned with what would happen to that property if it is sold along with the Danny's Tire property. Had she known the zoning of the property when she bought it, she may not have been interested in it. She presented photographs of the house and the other homes in the area showing that it and the neighborhood is clearly residential.

Mr. Newsome asked when Ms. Sowers purchased her property. She bought it in November of 1998. Mr. Newsome stated it was commercial at that time. Mr. Lighty noted that status of adjacent properties is not something that would be included in one's deed.

Mr. Ron Yerger, 8 Carolyn Street, noted that the area and that house have always been residential. He presented photographs showing the Strohm's property and its neighbors. Mr. Yerger understood that it was a mistake in making it residential, and felt the Township should not compound that mistake with another by making it commercial, since it really is a residential community. If it is changed to commercial, there is nothing stopping it from turning into another Lockwillow Avenue at Jonestown Road and the bank. He sympathized with the Strohm's, but as a resident that will be there in the future, he was interested in what is going to be best for the community.

Mr. Newsome asked Staff about the land uses across the street. Ms. Wissler stated that there are some apartment buildings across the street.

Ms. Jean Strohm, 4 Carolyn Street, stated that in 1974 the land was zoned C-1, as shown on a building permit for a garage. The property has been for sale off and on for the past few years. On 4-28-02, Ms. Strohm spoke with Lori Wissler to make sure it was zoned commercially, and it was. Two days later, Carmella called from the Township to tell her that the lot is zoned C-1 and the map has been corrected. Chuck Heller, the realtor, told Ms. Strohm that he has also checked with Ms. Wissler regarding the zoning, and was told it was definitely commercial. The two properties have been up for sale. Very recently a very lucrative deal fell through because the buyer discovered that the land was not zoned commercial. This has happened in the past as well. Ms. Strohm presented copies of Township correspondence from Matthew Culbertson, Todd Fabbri, and John Kerschner, all advising them to correct the zoning of the property because the property was not big enough to have a business put on it. The Strohm's were in business as Danny's Tire for more than 20 years and the garage at 4 Carolyn Street has been used to store items from the business.

Mr. Strohm stated there is no access to the house from Carolyn Street, the driveway comes from the Danny's property. The cars would have to be parked on Carolyn Street, which would be unsafe.

Mr. Neff asked what side yard setbacks are required where commercial abuts residential. Ms. Moran stated that it would be required to have a 40 foot side yard setback. Mr. Neff asked the width of the lot. Mr. Lighty stated it is about 100 feet.

Mr. Newsome stated that the Commission is called upon to correct something that was incorrect on the latest zoning map. While being sensitive to the neighbors, the intent of the Planning Commission and the Board of Supervisors was to not rezone the lot to R-1. If and when the land is developed commercially, there will have to be significant oversight by the Commission, with regard to the setbacks from the residential property line and buffers and site lighting, et cetera.

Mr. Newsome made a motion to recommend approval of the proposed ordinance 07-12. Mr. Gingrich seconded the motion. Mr. Lighty commented that it is never a good situation when commercial abuts residential, and the Township does not intentionally zone that way anymore. He also noted that the Strohm's did nothing wrong and did not initiate this, rather the Township made a mistake on the map. He noted that if the land is developed commercially, the Township would do its best to minimize the impact on the neighbors. But he did not feel the Strohm's should suffer an economic loss because of it. A unanimous vote followed.

Preliminary/Final Land Development Plan #07-19
Deluxe Motel Suites

Mr. Gingrich made a motion to table the plan. Ms. Sibert seconded the motion and a unanimous vote followed to table the plan.

Preliminary/Final Land Development Plan #07-20
Commerce Park Office Building, Julie and Greg Denk

Mr. Gingrich made a motion to table the plan. Mr. Sibert seconded the motion and a unanimous vote followed to table the plan.

Open Space Overlay District
Discussion regarding the Density

Mr. Lighty stated that the last plan before the Commission using the Open Space Overlay District got too much of a bonus in number of lots. Mr. Newsome stated that he agreed that something seems to have been missed in the ordinance. Mr. Newsome asked if the Supervisors or Manager have had any discussions regarding this matter. Ms. Wissler stated she has not taken it to them yet, waiting on the recommendation of the Planning Commission. She noted that the only other time the District was used was the Conjar plan, and the problem wasn't noticed because there were not as many lots on that plan.

Mr. Lighty asked that Staff prepare a matrix of numbers so the Commission could see how the scale moves so they can see better how to correct it. Mr. Guise agreed.

Mr. Guise stated that in the AR district, the density is one per one and a half acres, and this overlay reduces it to one home per acre. Ms. Wissler stated that A-1 was one home per acre in the old ordinance. Mr. Lighty stated that the Township doesn't want that kind of density in the AR zone. Mr. Guise stated that it would maximize the open space. There is a 40% open space requirement. On a 100 acre lot, 40 acres would have to be open space, and there could be 75 homes on half-acre lots. If we keep the half-acre lots, which is desirable, there is more land left over which is either required to be open space or is developed as lots. The open space requirement could be changed to 50%, or the lots could be larger than 20,000 square feet, but would have to see how the numbers work out. He thought that the numbers today calculate out about right. The intent of the OSD is to allow smaller lots and keep as much of the sensitive natural features as possible.

Mr. Neff stated that a yield plan is not required in the AR zone. Mr. Guise agreed, and felt that should be changed. Mr. Neff stated that using the total acreage to do the math is not right. Mr. Newsome stated that a yield plan should be required in the AR zone.

Mr. Guise felt that a yield plan should take into account the steep slopes and wetlands, et cetera. Mr. Neff stated he would like to see the sketch plan and yield plan brought before the Planning Commission for discussion on the layout. Ms. Wissler stated that a developer submits those to Staff for review by Staff and the Township Engineer. The plan is based on the yield plan so it has to be done before a plan is submitted. Mr. Newsome stated that a sketch plan would show the intended layout. Mr. Lighty did not feel the Commission needed to review the yield plan and it should be taken care of at staff level. Mr. Newsome was more interested in the sketch plan instead of only getting to see the plan at the preliminary/final stage.

Ms. Moran stated that when a yield plan is submitted, it does include streets and geographic features. A developer draws up a rough plan with cookie-cutter lots, and the Township reviews it and eliminates lots that have too much flood plain or are too steep or have other disqualifiers. Mr. Newsome stated that by the time the plan gets to the Commission, the design is pretty well set. Ms. Moran noted that in the yield plan for Stray Winds Farm, the townhouses are on one lot, so it doesn't show the layout at all, it only shows how many are permitted.

Mr. Newsome asked Mr. Millard if other municipalities are using yield plans. Mr. Millard stated that Lower Paxton Township and other municipalities take the sensitive natural features and undevelopable land off leaving developable land to be cut up into lots.

Mr. Guise stated that in zones other than AR, there is a 10% density bonus allowed on top of the yield plan. The density of the land in the AR does not refer to a yield plan, it simply refers to one lot per acre, getting them 50% over the maximum conceivable lots. He noted that it seems that AR gets an advantage over the other zoning districts. It may have been the goal to encourage open space development in the AR, and he felt that was a legitimate goal.

Mr. Lighty asked for a chart of numbers, and a draft text amendment, and a recommendation on the percentage of the bonus on the yield plan.

Mr. Neff asked about the cluster development, noting that when used in AR, it specifically provides for a bonus. He asked if the same should apply to both.

Public Comment

There was no additional public comment.

Commissioner's Comment

Ms. Wissler provided a portion of the zoning map in the area of Kings Pointe (formerly known as Chateau Woods). Someone is interested in two lots adjacent to the townhouse development, and wants to continue the townhouse development. In doing the research for that, she noted that the townhouses in Kings Pointe are zoned BC, Business Campus. Ms. Wissler asked for the Commission's opinion on a corrective amendment for the townhouses and the two adjacent lots.

Commissioners agreed that the area along Linglestown Road should remain BC, but the townhouses and the two lots should be changed to R-2. The land is adjacent to the land of Pheasant Ridge which is R-2. The two lots are owned by the same person, who resides in a single family house on the second lot.

Mr. Neff asked how many more units are proposed to be developed because of traffic concerns. Ms. Wissler stated that judging by the size of the lots, there could be about 5 units on each, and she noted that there is a minimum lot size of an acre to do multi-family.

Ms. Wissler stated that the October 2nd Board of Supervisors meeting is being moved earlier in the evening to allow the Supervisors to go to a meeting at the Dauphin County Conservation District. They have asked that the Planning Commission also be invited.

Services for Pete Leone will be held Sunday the 16th from 6-8 pm at Hoover Funeral Home, with a Mass on Monday at 10am.

Adjournment

The next regular Planning Commission meeting is scheduled for October 10, 2007, at 7:00pm at the Lower Paxton Township Municipal Center, Room 171.

Being no further business, the meeting adjourned at 7:55 pm.

Respectfully Submitted,

Michelle Hiner
Recording Secretary